

**Amendment**

**U.S. Patent Appln. No. 09/489,265**

**REMARKS**

Claims 1 - 3 have been amended.

Claims 1 - 12 are present in the subject application.

In the Office Action dated August 11, 2004, the Examiner has rejected claims 1 - 12 under 35 U.S.C. §103(a). Favorable reconsideration of the subject application is respectfully requested in view of the following remarks.

The Examiner has rejected claims 1 - 12 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,991,758 (Ellard). Briefly, the present invention is directed toward a web-based system for adding content to a content object stored in a data repository as a group of hierarchically related content entities. Each non-container content object is preferably stored as a separate entity in the data repository. As the user selects desired objects for inclusion in the content object, the system arranges the objects hierarchically. The system then creates a file object defining the content object that contains an outline of the container and non-container entity selected, their identifiers, order and structure. An aspect of the invention is to provide permission checking to prevent certain content entities from appearing in the same compilation as other content entities. Permission checking includes associating each container and non-container with any mutually exclusive containers or non-containers. For example, such association may be achieved by defining a set of rules specifying containers and/or content entities that are mutually exclusive. Upon selection of a container or non-container to add to the compilation, the permission checking procedure determines if the container or non-container is mutually exclusive of any other containers or content objects. If so, the permission checking procedure then analyzes the compilation to determine whether any of the other mutually

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exclusive containers or non-containers already exists in the compilation. If so, then the selected container or non-container is not added to the compilation. Otherwise, the content is added.

The Examiner takes the position with respect to independent claims 1 - 3 that the Ellard patent teaches the claimed limitations, except for the feature of determining if any of the identified other content entities exists in the compilation of content, and if not, adding the content entity to the compilation, and if so, not adding the content entity to the compilation. The Examiner further alleges that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the Ellard system to include this feature in order to eliminate storing duplicate data in the database and save memory space.

This rejection is respectfully traversed since the Ellard patent does not disclose, teach or suggest the features recited in the claims of: storing reference information for each content entity identifying content ineligible for placement within the same compilation; referencing the reference information to determine if the content entity is mutually exclusive of other content entities; determining if any of the mutually exclusive content entities exist in the compilation; and adding or not adding the content entity to the compilation based on the existence of a mutually exclusive content entity as discussed below. However, in order to expedite prosecution of the subject application, independent claims 1 - 3 have been amended to further clarify the mutual exclusivity of the content entities by reciting the features of: the reference information indicating different content ineligible for placement within the same compilation; and referencing the reference information to determine from that information if the content entity is mutually exclusive of other content entities.

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The Ellard patent does not disclose, teach or suggest the above-mentioned features. Rather, the Ellard patent discloses a master entity index system that indexes data records within one or more information sources and determines which data records within the one or more sources may contain information about the same entity, preferably participants in a healthcare system (See Column 2, lines 40 – 44 and Column 4, lines 24 - 27). As data records from information sources are fed into the system, the system attempts to match incoming data about an entity to a data record already in the database. If the incoming record matches an existing record, a link between the incoming record and matching record may be generated. If an incoming record does not match any existing records, a new entity identifier may be generated. In each case, the record may be stored in the system (See Column 5, lines 48 – 59). For all of the records in the system, a record identifier may be used to uniquely identify the entity referred to by that record compared to other data records received from the data source (See Column 9, lines 38 - 41). In other words, the Ellard system provides a centralized index system to assist in locating all data records relating to the same entity within one or more information sources (See Column 2, lines 58 - 61).

The Examiner construes: the record identifier as the claimed reference information; the master entity index as the claimed compilation; the standardized input data as the claimed content entity; and the records as the claimed other content entities (See Office Action Pages 2 - 9, Items 1 and 3). The Examiner repeatedly asserts that the Ellard patent renders the claims obvious by disclosing that if the identifier of the standardized input data is different than the identifier of an existing record, the system will add the standardized input data into the master entity index; otherwise, the system will not add the standardized input to the master entity index.

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However, the Ellard patent does not support the Examiner's position nor render obvious the features recited in the claims. In particular, the Ellard patent discloses that when adding a new record into the index, the system validates and standardizes the incoming record (See Column 11, lines 14 – 39) and subsequently determines if a data record with the same record identifier as the incoming record exists in the database. The record identifier of the Ellard patent merely uniquely identifies a record with respect to a particular information source (See Column 9, lines 38 – 50). Since the record identifiers are unique with respect to a particular information source, different records within the system (each from a different source) may include the same record identifier and be associated with different entities (See Column 9, lines 50 – 53). Accordingly, if a record with the same record identifier exists, an exception is created to handle this situation; otherwise, the record is added to the system (See Column 7, lines 56 - 58 and Column 11, lines 40 – 49). The Ellard patent is generally silent with respect to the particular action taken for this exception.

Thus, the Ellard patent discloses utilization of a record identifier merely identifying a particular record, searching the index for other records with that identifier and raising an exception when another record with the same record identifier exists, where the Ellard patent is generally silent with respect to the particular action taken for this exception. Since the record identifier merely identifies the particular record and an exception is raised for records with the same record identifier with no particular action disclosed to handle the exception as discussed above, there is no express disclosure, teaching or suggestion of mutual exclusivity of different content or preventing the record from being added to the index when the record identifiers are the same. In fact, since records from different information sources and associated with different

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entities may have the same record identifier, not adding the record to the index in response to the same record identifiers may discard valuable data from the system. Accordingly, the Ellard patent does not disclose, teach or suggest the features recited in the claims of: reference information indicating different content ineligible for placement within the same compilation; determining from the reference information if the content entity is mutually exclusive of other content entities; determining if any of the mutually exclusive content entities exist in the compilation; and adding or not adding the content entity to the compilation based on the existence of a mutually exclusive content entity.

In addition, the Ellard patent discloses creating an exception in response to the incoming record being a duplicate record (See Fig. 7 and Column 11, lines 57 – 63). The check for duplicate records is performed by using a match/link operation and occurs after the determination that a record with the same record identifier does not already exist (See Fig. 7 and Column 11, lines 40 - 63). There is no disclosure of the particular action taken for the exception created for this situation. However, the Ellard patent discloses deleting duplicate records as an exemplary exception handling rule (See Column 7, lines 63 – 66).

Even assuming that the Ellard patent discloses deletion of an incoming duplicate record, the Ellard patent still does not support the Examiner's position or disclose, teach or suggest the features recited in the claims. In particular, the determination of a duplicate record utilizes a match/link operation processing record attributes (See Fig. 15 and Column 15, lines 1 - 45) and is not based on merely the same record identifiers as asserted by the Examiner. Further, an incoming record identified as a duplicate would contain the same data as the record in the index

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system. Thus, the data of the duplicate record is already in the system by virtue of the corresponding database record and, therefore, the content of the duplicate record cannot be ineligible for placement in the same compilation as the corresponding database record and is not prevented from being added to that compilation as recited in the claims.

Since the Ellard patent does not disclose, teach or suggest the features recited in independent claims 1, 2 and 3 as discussed above, these claims are considered to be in condition for allowance.

Claims 4 - 12 depend from independent claims 1, 2 or 3, and, therefore, include all of the limitations of their parent claims. These dependent claims are considered to be in condition for allowance for substantially the same reasons discussed above in relation to their parent claims and for further limitations recited in these claims.

In addition to the foregoing, the proposed modification of the Ellard patent does not render the claimed invention obvious. Initially, the Ellard patent is directed toward a master entity index system that indexes data records within one or more information sources and determines which data records within the one or more sources may contain information about the same entity as described above. In contrast, the present invention is directed to a web-based system that prevents mutually exclusive content entities from being included in the same compilation. There is no information specifying mutual exclusivity of a particular record with different records for inclusion in the system, nor is there any reason for one of ordinary skill in the art to modify the Ellard system to do so other than prohibited hindsight derived from Applicants' own disclosure. In fact, if the Ellard system were to exclude records with different information, the system would be discarding valuable information within those records relating

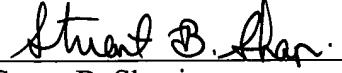
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to an entity, thereby resulting in an incomplete information base. Accordingly, the proposed modification of the Ellard patent does not render the claimed invention obvious.

The application, having been shown to overcome the issues raised in the Office Action, is considered to be in condition for allowance and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

  
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